

REMARKS

This is a full and timely response to the outstanding Non-Final Office Action mailed July 30, 2003. Upon entry of this amendment claims 1-21 remain pending in the present application.

The Applicant wishes to express his sincere appreciation for the time that Examiner Dinh spent with Applicant's agent during a recent telephone discussion regarding the above-identified Office Action. Applicant believes that certain important issues were identified during the telephone discussion, and that they have been resolved herein. During that conversation Examiner Dinh indicated that it may be potentially beneficial for the Applicant to file his opposition to the present requirement for species election so that Examiner Dinh may carefully consider this amendment and response.

In the Office Action the Examiner claims that the application contains claims directed to more than one distinct species of the claimed invention. Specifically, the Examiner claims that: FIG. 4A defines a first species; FIG. 4B defines a second species; FIG. 5 defines a third species; and FIG. 6 defines a fourth species. The applicant respectfully traverses this request for selection of one of the above Figures as a single species that is to be pursued for prosecution. While the Applicant does not see the basis for such a requirement, in response to the present Office Action, the Applicant hereby elects the species of FIG. 4B for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. In addition, since claims 1-21 pertain to FIG. 4B, the Applicant elects claims 1-21.

Although the Applicant has selected FIG. 4B, the Applicant respectfully disagrees with this requirement for selection of a Figure and an alleged species for at least the following reasons. The present invention comprises at least one solid-state component and an audio

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signal path of an audio circuit and at least one heat source configured to heat the solid-state components. The invention increases the sound quality of the solid-state audio systems by increasing the temperature of the semiconductor components involved in sound production. By intentional heating the semiconductor components of an audio system above standard operating temperature the invention delivers sound quality levels normally only associated with vacuum tube sound systems. FIGS. 4A and 4B merely show different arrangements of circuit elements and heating elements in accordance with the invention. Pages 19 and 20 of the present application should be referred to for understanding that FIGS. 4A and 4B are merely different arrangements of the circuit elements and heating elements. Specifically, page 19, lines 13 through page 20, line 1 read, "referring to FIG. 4A and FIG. 4B, different arrangements of circuit elements and heating elements in accordance with the invention are shown. In FIG. 4A, an audio circuit board 60 includes a plurality of semiconductor components S1, S2, S3, S4, and a plurality of capacitive elements C1, C2, C3, and a plurality of resistive elements R1, R2, R3, which are positioned on board 60 according conventional mounting considerations. In order to effectively heat the semiconductor elements S1, S2, S3, S4 in accordance with the invention, a plurality of heating elements 62, 64, 66 are positioned in association with board 60 such that semiconductor elements S1, S2, S3, S4 are maintained, during sound generation, at an operating temperature of at least 60°C, and more preferably in excess of 80°C, and most preferably in excess of 100°C. In this manner, an audio device of conventional configuration can be heated in accordance with the invention to provide sound quality enhancement. The heating element 62, 64, 66 may be mounted on board 60 in selected locations to provide the desired heating, or may be external to board 60 and suitably positioned to provide the desired heating. The arrangement of FIG. 4A results generally in

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most or all portions of board 60 being equally heated. This equal heating ensures that the semiconductor elements S1, S2, S3, S4 are adequately heated.”

A description of the embodiment shown by FIG. 4B is provided on page 20, line 10 through line 21, which read, “[I]n FIG. 4B, an audio circuit board 68 is shown again having a plurality of semiconductor components S1, S2, S3, S4, a plurality of capacitive elements C1, C2, C3, and a plurality of resistive elements R1, R2, R3. On the board 68, the semiconductor elements S1, S2, S3, S4 are selectively positioned proximate to one corner or region 70 of the board 68 so that effective heating of semiconductor elements S1, S2, S3, S4 in accordance with the invention can be more easily and effectively achieved by heat sources 72, 74, 76. The arrangement of FIG. 4B may also permit use of fewer heat sources than shown, or even a single heat source. Once again, heat sources 72, 74, 76 may be mounted on board 68, or may be external to board 68. Additionally, less external heating may be required in this arrangement due to collective thermal heat transfer resulting from co-location of the semiconductor components.”

Therefore, as has been shown by the above cited portions of the presently pending application, and as is shown in other portions of the presently pending application, Figures 4A and 4B are merely different embodiments of the same invention and therefore should not be separated into different species.

With reference to FIG. 5, the Applicant also respectfully submits that FIG. 5 should not be separated into a separate species, as FIGS. 4A and 4B should not have been separated into different species. Specifically, FIG. 5 described the method of providing sound quality enhancement in accordance with the invention that is provided by the presently pending application. Specifically, FIG. 5 merely described the process of providing the heat source to

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allow heating of the semiconductor components of the solid-state audio circuit which were shown in FIGS. 4A and 4B. FIG. 5 also includes the step of heating the semiconductor circuit components to above 60°C and maintaining the temperature of the semiconductor components above 60°C. The Applicant respectfully requests that FIG. 5 not be separated into a separate species since FIG. 5 merely describes the process utilized by the circuits of FIGS. 4A and 4B in accordance with the present invention. As is well known, a method preformed by an invention and the apparatus utilized for the invention, may both be provided within the same patent application. Therefore, the Applicant respectfully requests that FIG. 5 not be separated into a separated species but instead by included in the same group as FIG. 4A, 4B and FIG. 5.

Finally, with reference to FIG. 6, which has been requested in the Office Action to be placed within a separate species, is merely another embodiment of FIG. 5. Specifically, FIG. 6 provides another method of providing sound quality enhancement in accordance with the invention, as shown in the presently pending application. In fact, many of the steps described in the method of FIG. 5, are the same as steps defined in the method of FIG. 6. A description of the method of FIG. 6 can be found on page 22, line 6 through page 23, line 19. Therefore, the Applicant respectfully requests that FIG. 6 not be separated into a separate species, but instead be included within the same group as FIG. 4A, FIG. 4B, FIG. 5, and FIG. 6.

With reference to electing claims associated with the species required by the Office Action, the Applicant elects claims 1-21 since claim 1 claims the audio sound quality enhancer having at least one solid-state components and at least one heat source, which is described in FIG. 4A, FIG. 4B, FIG. 5, and FIG. 6; and independent claim 14 describes the method for generating the audio sound which comprises providing an audio circuit having at

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least one solid-state component and heating the at least one solid-state component, as has been shown by FIG. 4A, FIG. 4B, FIG. 5, and FIG. 6.

Therefore, in summary the Applicant respectfully requests that the requirement to elect a single alleged species be withdrawn and prosecution of the presently pending application proceed.

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CONCLUSION

In light of the foregoing and for at least for the reasons set forth above, the Applicant respectfully requests that the requirement for selection of a species be withdrawn and that prosecution of the presently pending application and pending claims 1-21 proceed. Favorable reconsideration and allowance of the present application and the presently pending claims are hereby courteously requested. If in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at 603.668.1400.

Respectfully submitted,



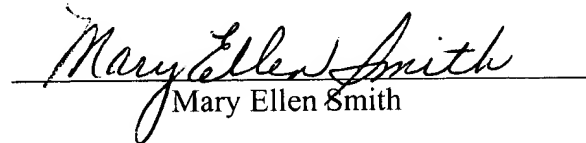
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